MT LEGISLATIVE HISTORY

Chapter 312 1977

Bill (H) 669 S _____ Original bill & hist. ___C

H. Committee on Agriculture, Livestock + Irrigation S. Committee on Agriculture, Livestock + Irrigation

Hearing Date(s)	Feb 17	✓C	Hearing Date(s)	Mar 16	✓C
	_____	___C		_____	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C		Mar 16	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

INTRODUCED BY House BILL NO. 669
Day, Boughton, Conroy, Mackay, Davis, Ellerd

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE MOVEMENT OF CATTLE TO AN ADJACENT COUNTY FOR GRAZING PURPOSES UNDER A TRANSPORTATION PERMIT USED IN LIEU OF A COUNTY LINE BRAND INSPECTION; AMENDING SECTIONS 46-801.2 AND 46-802, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-801.2, R.C.M. 1947, is amended to read as follows:

"46-801.2. Inspection of livestock before change of ownership or removal from county -- transportation permits. (1) Except as otherwise provided in this act, it is unlawful to remove or cause to be removed from a county in this state any livestock, or to transfer ownership by sale or otherwise, or for an intended purchaser or his agent to take possession of any such animal subject to title passing upon meeting or satisfaction of any conditions unless the livestock has been inspected for brands by a state stock inspector or deputy state stock inspector, and a certificate of the inspection has been issued in connection with and for the purpose of the transportation or removal or of such change of ownership as provided in this act. The inspection must be made in daylight provided, however, that the change of ownership inspection requirements of this subsection shall not apply when such sale or change of ownership transaction involves five ~~(5)~~ or less such animals.

(2) It is unlawful to sell or offer for sale at a livestock market any livestock originating within any county in this state in which a livestock market is maintained, or transported under a market consignment permit until the livestock has been inspected for marks and brands by a state stock inspector, as provided in this act.

(3) It is unlawful to remove or cause to be removed any livestock from the premises of a livestock market in this state unless the livestock has been inspected for marks and brands by a state stock inspector and an inspection certificate for the livestock has been issued in connection with and for the purpose of the removal from the premises of the livestock market, as provided in this act.

(4) The person in charge of livestock being removed from a county in this state, where inspection thereof is required by this act, or where change of ownership has occurred or when moved under a market consignment permit shall have in his possession the certificate of inspection, or market consignment permit, or transportation permit issued in connection therewith, and shall exhibit the certificate to any sheriff, deputy sheriff, constable,

highway patrolman, state stock inspector, or deputy state stock inspector at the request of either of them. Section 46-803 shall be extended to livestock transported or sold under the above-mentioned permits.

(5) The following transportation permits may be issued:

(a) If a saddle, work, or show horse is being transported from county to county in this state by the owner for his personal use or business, or where a purebred cow is being transported from county to county in this state by its owner for show purposes, and where there is no change of ownership, the inspection certificate as required by this act, may be endorsed as to the purpose and extent of transportation by the inspector issuing the certificate in order to serve as a travel permit in this state for a period not to exceed one (1) year for the horse or cow described thereon. The permit becomes void upon any transfer of ownership or if the horse or cow are to be removed from the state. In such instances an inspection must be secured for removal and the endorsed certificate surrendered.

(b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit valid for both interstate and intrastate transportation of the horse until there is a change of ownership. To obtain a permit a horse must have either a registered brand that has been legally

cleared, or a lip tattoo, or the owner must present proof of ownership to a state stock inspector. A written application, on forms to be provided by the department, must be completed by the owner and presented to a state stock inspector together with a five dollar ($5) permit fee for each horse. The application shall contain a thorough physical description of the horse and list all brands and tattoos carried by the horse.

Upon approval of the application by a state stock inspector, a permanent transportation permit shall be issued by the department to the owner for each horse and such permit shall be valid for the life of the horse. If there is a change of ownership in a horse the permit shall automatically become void. The permit must accompany the horse for which it was issued at all times while the horse is in transit. This permit shall be in lieu of other permits and certificates required under the provisions of this section. The state of Montana shall recognize as valid permanent transportation permits issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state. Such a permit shall be automatically void upon a change of ownership.

(c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer are being transported from county to county in this state by the owner for rodeo

purposes, and where there is no change of ownership, the inspection certificate required by this section may be endorsed as to the purpose and extent of transportation by the inspector issuing the certificate in order to serve as a travel permit in this state for the livestock described thereon. The certificate is effective only between April 1 and October 31 of the year for which it is issued. The certificate shall be issued by a state stock inspector.

(d) An owner of livestock or his agent may be issued a transportation permit allowing the movement of his livestock into an immediately adjoining county and return when the livestock are being moved for grazing purposes and when they are being moved to and from land owned or controlled by the owner of the livestock or his agent. The permit is valid for 6 months and must be issued by a state stock inspector. The fee for the permit is $5, which shall be paid to the state stock inspector at the time the permit is issued and remitted by him to the department for deposit in the state treasury to the credit of the earmarked revenue fund for the use of the department. This permit may be used in lieu of the inspection and certificate required by this section for movement of livestock across a county line."

Section 2. Section 46-802, R.C.M. 1947, is amended to read as follows:

"46-802. Duties of state stock inspectors and deputy

stock inspectors -- department authorized to adopt rules. (1) State stock inspectors and deputy state stock inspectors, upon the application of the owner, or the duly authorized agent of the owner of livestock, shall inspect the livestock which are intended for sale, removal or shipment and issue his certificate of inspection therefor, if it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful right to the possession thereof.

(2) The inspection shall include an examination of the livestock and all marks and brands thereon to identify the livestock. The certificate of inspection shall be made in triplicate and shall specify the date of inspection, the place of origin and place of destination of the shipment, the name and address of the owner of the livestock or of the applicant for inspection, and the purchaser or transferee, if applicable, the class of the animal, the marks and brands, if any, upon the animal, and any other information and upon the form of certificate as the department may from time to time require. One ~~(1)~~ copy of the certificate shall be retained by the inspector, one ~~(1)~~ copy shall be furnished by the inspector to the owner or shipper of the livestock, and one ~~(1)~~ copy shall be filed by the inspector with the department within ~~five (5)~~ days.

(3) If it appears with reasonable certainty that the

applicant is the owner of the livestock or has the lawful right to the possession thereof, the state stock inspectors or deputy state stock inspectors or any sheriff or deputy sheriff, upon application of an owner or his agent of the livestock to be consigned and delivered directly to a licensed livestock market located in another county of the state, or delivered directly to a shipping point duly approved by the department where a livestock inspector is available for inspection, in an adjoining county, shall issue to the person a separate market consignment permit or transportation permit for each owner when the owner, or owners, or their duly authorized agents sign the permit certifying the brands, description and destination of the livestock. The market consignment permit or transportation permit shall be made in triplicate, shall specify the date and time issued, the place of origin and place of destination of the shipment, the name and address of the owner of the livestock and the name and address of the person actually transporting the livestock if different than the owner, the kind of livestock, the marks and brands, if any, upon the livestock, a description of the vehicle or vehicles to be used to transport the livestock to include the license number of the vehicles and any other information and upon the form of permit as the department may from time to time require. Any permit so issued shall be good for

shipment within thirty-six (36) hours from date and time of issue, however, permits not used within this time limitation must be returned to the issuing officer to be canceled and to release the permittee from performance. One (1) copy of the permit shall be retained by the inspector or sheriff's office, one (1) copy shall be filed by the inspector or sheriff's office with the department within five (5) days of the date of issue, and one (1) copy shall be furnished by the inspector or sheriff's office to the owner or shipper of the livestock which copy of the permit shall accompany the shipment and be delivered to the state stock inspector at the livestock market or shipping point where the livestock is delivered.

(4) Upon application of an owner or his agent, when it appears with reasonable certainty that the applicant is the owner of the livestock or has lawful right to the possession thereof, a state stock inspector shall issue a transportation permit which will allow the movement of the livestock into an immediately adjoining county to land owned or controlled by the owner or his agent for purposes of grazing. The transportation permit shall state the breed, description, marks and brands if any, head count, and description of land to and from which the livestock will be moved. The permit will be valid for 6 months. A state stock inspector may enter the premises where livestock so

moved have been transported and inspect any livestock moved under the transportation permit or any livestock commingled therewith. Any person transporting strays or livestock not lawfully under his control is guilty of a misdemeanor and punishable as provided in 46-806.

(5) The department may adopt rules necessary to carry out this act."

-End-

that he did. He felt that we must support the efforts made by the department to up-date their testing for brucellosis. I will support the animal health division in their attempts to rid Montana of brucellosis.

Representative Dussault closed by stating that Dr. Glosser suggested the standard method unsound and condemned the federal government but yet the state test have proven to be unsound in some cases. She closed with a do pass recommendation.

Representative Conroy stated that he could not understand why the gentlemen could be in favor of HB 342 to pay them for the infected herds and then support HB 341, objecting to a more complex method of testing for the disease.

Representative Bengtson, read the title of HB 669 concerning the transportation of cattle across a county line for grazing purposes to have a transportation permit used in lieu of a county line brand inspection. She then turned the explanation of the bill over to Les Graham, Department of Livestock.

Mr. Graham stated that this bill was not a department bill but they had assisted in writing it and would explain it to the committee. He stated that at the present time cattle could not be transported across a county line without an inspection, other than if driven on foot. This bill would allow a permit to be purchased for the purpose of transporting from one grazing pasture to another, in another county. This permit to be purchased for a period of six months for $5, to allow transporting without inspection during this time.

Mr. Paul Hanser, proponent to HB 669, stated that the permit was a good deal for his area because some ranchers were simply ingnoring the inspection anyway.

Mr. Walter Morris, Snowline Grazing Association, proponent to HB 669 stated that only about 50% of the cattle are being inspected when being transported to the summer grazing areas and the others are paying. Recommended a do pass for HB 669.

Mr. Frank Balkovstz, rancher, stated that crossing a river was crossing a county line, and this required an inspection in his area. He didn't feel this was necessary when only going one mile. Recommended a do pass consideration.

Other proponents to HB 669 were Mons Teigen, Montana Stockgrowers Associaiton, Bill Asher, Agricultural Preservation Association, Representative Edward Lien, and Alice Fryslie, Montana Cattlemen's Association, explaining similar situations concerning the crossing of county lines. All recommending a do pass consideration.

The committee went into executive session.

Representative Gunderson moved HB 148, be taken off the table. Representative Johnston seconded the motion. It was passed with one opposed.

Representative Gunderson moved HB 148, do pass. It was seconded by Representative Johnston. The motion was passed with one opposed.

Representative Gunderson explained to the committee that the committee bill drafted regarding HB 344 was not what he had in mind and asked the committee to consider a second committee bill which amounted to amending the present law requiring corporations to fill out an additional form.

Representative Gunderson moved the committee accept the second proposed bill as the committee bill. It was seconded by Representative Dassinger. The motion failed 7 to 6.

Representative Gunderson explained the committee bill that had been drafted would not do what he wanted accomplished and he didn't feel he could accept it, but asked the committee to consider the original amendments presented for HB 344.

Representative Gunderson moved HB 344, be amended as proposed. It was seconded by Representative Johnston. The motion was passed unanimously.

Representative Gunderson moved HB 344, do pass as amended. It was seconded by Representative Dassinger. The motion failed 8 to 5.

Representative Ellerd moved HB 344, do not pass as amended. It was seconded by Representative Johnston. The motion was passed 8 to 5.

Representative Johnston moved HB 669, do pass. It was seconded by Representative Staigmiller. The motion was passed unanimously.

Representative Conroy moved HB 342, do pass. It was seconded by Representative Curtiss. The motion passed with one opposed.

Representative Conroy moved HB 341, do not pass. It was seconded by Representative Staigmiller. The motion was passed with one opposed.

The meeting was adjourned at 11:55 a.m.

William M. Day

William M. Day, Chairman

jm

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK & IRRIGATION
MONTANA STATE SENATE

March 16, 1977

The twenty-sixth meeting of the Agriculture, Livestock and Irrigation Committee was called to order on the above date in Room 415 of the State Capitol Building by Vice-Chairman Galt at 9:30 a.m.

ROLL CALL: All members were present with the exception of Chairman Graham who was excused.

The following witnesses were present to testify:

Representative Ellerd	sponsor
Gene Donaldson	Board of Livestock
Mons Teigen	Mont. Stockgrowers
Charlie Brown	Dept. of Livestock
Bob Barthelmess	Board of Livestock
Robert Deschamps	Board of Livestock
Representative Day	sponsor
Marie McAlear	self
Les Graham	Dept. of Livestock
Representative Meloy	sponsor
Tom Winsor	Mont. Chamber of Commerce

CONSIDERATION OF HOUSE BILL 148: Representative Ellerd, district 75, had introduced this bill at the request of the Dept. of Livestock. The purpose is to remove the requirement where cattle have to be individually inspected before leaving a market. He also had proposed amendments to the bill, see committee report. The first amendment would be for cattle going out of state and the next amendment is to raise the inspection fee from 10 to 20 cents.

Gene Donaldson said the Board is in full support of the bill. He said the amendments were a result of a discussion with the market people. With the passage of this bill he felt the department would be more adequately funded.

Mons Teigen, said the bill had been reviewed by his association and they supported it.

It was brought out in discussion that the out inspection fee of 20 cents would be paid by the buyer and in inspections by the consigner.

CONSIDERATION OF HOUSE BILL 669: Representative Day, district 54 was sponsor of this bill. This would allow an owner of cattle to transport his cattle to an adjoining county for the purpose of grazing for 6 months on a transportion permit for a fee of $5. Previously the cattle had to be inspected. He said the bill also provides a penalty for those people transporting cattle not belonging to them.

Bob Barthelmess said this has been a problem for quite some time. This bill was drafted as a result of a committee study, although it was not introduced by the Department. He felt this bill would be a great advantage to people owning land in two counties.

Mons Teigen said the association and he as an individual supported the bill.

Robert Deschamps also rose in support in the bill. He felt if this matter could be cleared up it would make the moving of cattle much easier.

Marie McAlear, said many of the grazing associations in her area own land in more than one county and at present this works a hardship on them. Her testimony is attached. See exhibit #1.

Senator Manley as a private land owner with land in two different counties rose in support of the bill. He felt this would rectify a problem that should have been corrected long ago.

Representative Day in closing said that if cattle are out more than 6 months a second permit would have to be obtained.

CONSIDERATION OF HOUSE JOINT RESOLUTION 54: Representative Meloy was the sponsor of this resolution. He said this merely expresses appraisal for the people who put the National High School Rodeo together and shows the legislatures recognition of this rodeo. He felt it was an honor for Montana to have this as it probably won't be having it again for another 20 to 30 years. The impact of this is estimated to bring in 1200 contestan and about 3.2 million dollars to the state.

Tom Winsor said they want to be on record as being in full support of this resolution.

DISPOSITION OF HJR 54: Senator Manley moved the resolution BE CONCURRED IN. Seconded by Senator Kolstad. Motion carried

DISPOSITION OF HOUSE BILL 669: Senator Manley moved that House Bill 669 BE CONCURRED IN. Seconded by Senator Dover. Motion carried.

DISPOSITON OF HOUSE BILL 664: Senator Boylan had some proposed amendments to this bill. See Committee Report. Senator Boylan moved the proposed amendments. Seconded by Senator Dover. Motion carried.

Senator Boylan moved that House Bill 664 BE CONCURRED IN AS AMENDED. Seconded by Senator Dover. Motion carried.

ROLL CALL

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

45th LEGISLATIVE SESSION - - 1976 Date 3-14

NAME	PRESENT	ABSENT	EXCUSED
SENATOR GALT - V. Chairman	✓		
SENATOR ABER	✓		
SENATOR BERGREN	✓		
SENATOR BOYLAN	✓		
SENATOR DOVER	✓		
SENATOR HAGER	✓		
SENATOR JERGESON	✓		
SENATOR KOLSTAD	✓		
SENATOR MANLEY	✓		
SENATOR GRAHAM - CHAIRMAN			✓

HB 669
148
152
HJR54

DATE 3-16

COMMITTEE ON Agriculture

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppo
Vern Keller	Bd. of Livestock	148	✓	
Bob Daschbacher	" " "	148	✓	
Ralph Simons	" " "	148	✓	
Lee Allard	House of Rep	148	✓	
Rep Wilbur Day	Sponsor HB669	669	✓	
Jess Graham	Mt. Dept. of Livestock	148	✓	
Bob Barthelmess	Dept of Livestock	148	✓	
Lee Donaldson	" " "	148	✓	
Mignic McAlear	self	669	✓	
Barbara Wages	Farmers Union	HB 344 148	✓ ✓	
Anna Rehmer	Farmers Union	H.B. 344	✓	
Cecelia Klefstad	F.U.	HB 344	✓	
Bertha P. Maki	F.U.	HB 344	✓	
Viki Nevala	F.U.	HB 344	✓	
Gustav Sundeson	F.U.	HB 344	✓	
Jeanette Sundeson	F.U.	HB 344	✓	
Mrs Norman Sundeen	F.U.	H133+41	✓	
Mr. Mervin Bakken	"	HB 344	✓	
Mrs Mervin Bakken	F.U.	HB 344	✓	
Stan Millenick	Mont Stockgrowers	HB 669	✓	
Devon Sumption	Mont Farmers Union	H B 148 H B 669	✓ ✓	
Mons Teigen	Mont Stockgrowers & Woolgrowers Ass	HB 148 " 669	✓ ✓	
Wm Fryslie	Mt. Cattlemens Assoc	148 HB 669 HB	✓ ✓	
John Wilson	Mont C of C	HJR 54	✓	
Jim Mockler	Mont Coal Council	HB 344		✓
R.T.C.P.	Mont. Farmers Union	HB 148 HR 669	✓	

NAME Marie McNeer Bill No. 669

ADDRESS Twin Bridges DATE 3-16-77

WHOM DO YOU REPRESENT

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The inspection fees charged per head to move cattle from one county to another is an unneeded hardship on ranchers owning pasturage in both Madison and Beaverhead Counties. This bill providing for a permit will ease cattle movement for these ranchers. Is supported in Madison County. Please vote a "do pass" recommendation.

STANDING COMMITTEE REPORT

March 16 19 77

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK & IRRIGATION

having had under consideration HOUSE Bill No. 669

Respectfully report as follows: That HOUSE Bill No. 669

BE CONCURRED IN

DO PASS

GELT VICE—Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 669

INTRODUCED BY DAY, BENGTSON, CONROY, MARKS, DAVIS, ELLERD

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE MOVEMENT OF CATTLE TO AN ADJACENT COUNTY FOR GRAZING PURPOSES UNDER A TRANSPORTATION PERMIT USED IN LIEU OF A COUNTY LINE BRAND INSPECTION; AMENDING SECTIONS 46-801.2 AND 46-802, R.C.M. 1947."

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(2) It is unlawful to sell or offer for sale at a livestock market any livestock originating within any county in this state in which a livestock market is maintained, or transported under a market consignment permit until the livestock has been inspected for marks and brands by a state stock inspector, as provided in this act.

(3) It is unlawful to remove or cause to be removed any livestock from the premises of a livestock market in this state unless the livestock has been inspected for marks and brands by a state stock inspector and an inspection certificate for the livestock has been issued in connection with and for the purpose of the removal from the premises of the livestock market, as provided in this act.

(4) The person in charge of livestock being removed from a county in this state, where inspection thereof is required by this act, or where change of ownership has occurred, or when moved under a market consignment permit shall have in his possession the certificate of inspection, or market consignment permit, or transportation permit issued in connection therewith, and shall exhibit the

certificate to any sheriff, deputy sheriff, constable, highway patrolman, state stock inspector, or deputy state stock inspector at the request of either of them. Section 46-803 shall be extended to livestock transported or sold under the above-mentioned permits.

(5) The following transportation permits may be issued:

(a) If a saddle, work, or show horse is being transported from county to county in this state by the owner for his personal use or business, or where a purebred cow is being transported from county to county in this state by its owner for show purposes, and where there is no change of ownership, the inspection certificate as required by this act, may be endorsed as to the purpose and extent of transportation by the inspector issuing the certificate in order to serve as a travel permit in this state for a period not to exceed one (1) year for the horse or cow described thereon. The permit becomes void upon any transfer of ownership or if the horse or cow are to be removed from the state. In such instances an inspection must be secured for removal and the endorsed certificate surrendered.

(b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit valid for both interstate and intrastate transportation of the horse until there is a change of ownership. To obtain a permit a horse

must have either a registered brand that has been legally cleared, or a lip tattoo, or the owner must present proof of ownership to a state stock inspector. A written application, on forms to be provided by the department, must be completed by the owner and presented to a state stock inspector together with a five dollar ($5) permit fee for each horse. The application shall contain a thorough physical description of the horse and list all brands and tattoos carried by the horse.

Upon approval of the application by a state stock inspector, a permanent transportation permit shall be issued by the department to the owner for each horse and such permit shall be valid for the life of the horse. If there is a change of ownership in a horse the permit shall automatically become void. The permit must accompany the horse for which it was issued at all times while the horse is in transit. This permit shall be in lieu of other permits and certificates required under the provisions of this section. The state of Montana shall recognize as valid permanent transportation permits issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state. Such a permit shall be automatically void upon a change of ownership.

(c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer are being transported

from county to county in this state by the owner for rodeo purposes, and where there is no change of ownership, the inspection certificate required by this section may be endorsed as to the purpose and extent of transportation by the inspector issuing the certificate in order to serve as a travel permit in this state for the livestock described thereon. The certificate is effective only between April 1 and October 31 of the year for which it is issued. The certificate shall be issued by a state stock inspector.

(d) An owner of livestock or his agent may be issued a transportation permit allowing the movement of his livestock into an immediately adjoining county and return when the livestock are being moved for grazing purposes and when they are being moved to and from land owned or controlled by the owner of the livestock or his agent. The permit is valid for 6 months and must be issued by a state stock inspector. The fee for the permit is $5, which shall be paid to the state stock inspector at the time the permit is issued and remitted by him to the department for deposit in the state treasury to the credit of the earmarked revenue fund for the use of the department. This permit may be used in lieu of the inspection and certificate required by this section for movement of livestock across a county line."

Section 2. Section 46-802, R.C.M. 1947, is amended to read as follows:

"46-802. Duties of state stock inspectors and deputy stock inspectors -- department authorized to adopt rules. (1) State stock inspectors and deputy state stock inspectors, upon the application of the owner, or the duly authorized agent of the owner of livestock, shall inspect the livestock which are intended for sale, removal or shipment and issue his certificate of inspection therefor, if it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful right to the possession thereof.

(2) The inspection shall include an examination of the livestock and all marks and brands thereon to identify the livestock. The certificate of inspection shall be made in triplicate and shall specify the date of inspection, the place of origin and place of destination of the shipment, the name and address of the owner of the livestock or of the applicant for inspection, and the purchaser or transferee, if applicable, the class of the animal, the marks and brands, if any, upon the animal, and any other information and upon the form of certificate as the department may from time to time require. One ~~(1)~~ copy of the certificate shall be retained by the inspector, one ~~(1)~~ copy shall be furnished by the inspector to the owner or shipper of the livestock, and one ~~(1)~~ copy shall be filed by the inspector with the department within ~~five (5)~~ days.

(3) If it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful right to the possession thereof, the state stock inspectors or deputy state stock inspectors or any sheriff or deputy sheriff, upon application of an owner or his agent of the livestock to be consigned and delivered directly to a licensed livestock market located in another county of the state, or delivered directly to a shipping point duly approved by the department where a livestock inspector is available for inspection, in an adjoining county, shall issue to the person a separate market consignment permit or transportation permit for each owner when the owner, or owners, or their duly authorized agents sign the permit certifying the brands, description and destination of the livestock. The market consignment permit or transportation permit shall be made in triplicate, shall specify the date and time issued, the place of origin and place of destination of the shipment, the name and address of the owner of the livestock and the name and address of the person actually transporting the livestock if different than the owner, the kind of livestock, the marks and brands, if any, upon the livestock, a description of the vehicle or vehicles to be used to transport the livestock to include the license number of the vehicles and any other information and upon the form of permit as the department may from time

to time require. Any permit so issued shall be good for shipment within thirty-six (36) hours from date and time of issue, however, permits not used within this time limitation must be returned to the issuing officer to be canceled and to release the permittee from performance. One (1) copy of the permit shall be retained by the inspector or sheriff's office, one (1) copy shall be filed by the inspector or sheriff's office with the department within five (5) days of the date of issue, and one (1) copy shall be furnished by the inspector or sheriff's office to the owner or shipper of the livestock which copy of the permit shall accompany the shipment and be delivered to the state stock inspector at the livestock market or shipping point where the livestock is delivered.

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stock inspector may enter the premises where livestock so moved have been transported and inspect any livestock moved under the transportation permit or any livestock commingled therewith. Any person transporting strays or livestock not lawfully under his control is guilty of a misdemeanor and punishable as provided in 46-806.

(5) The department may adopt rules necessary to carry out this act."

-End-